

convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. The Applicant respectfully disagrees. Please find enclosed with this Amendment an enlarged copy of Figure 1 illustrating the different thicknesses of each of the object 6. It is clear that the object 6 closest to the exit of the holder 5 has a different thickness than the object 6 still in the holder 5. Additionally, a review of the different objects 6 still in the holder reveals that each of these objects has a different thickness. For that reason, the Applicant believes that the specification, which includes the drawings, does teach a stock of objects wherein each object may have a different thickness.

In Section No. 5 of the Office Action, the Examiner rejects claims 19-21, 23, 25-26, 28-29 and 31-33 under 35 U.S.C. §103(a) as being obvious from the teaching of United States Patent No. 4,605,459 to Voltmer et al. (the Voltmer '459 patent), in view of the teaching of United States Patent No. 5,102,485 to Keeler (the Keeler patent), as set forth in paragraph 7 of the previous Office Action.

Claim 19 has been amended to include three additional features. First, the holder has been specified as being stationary. Second, during standstill, the carrier is positioned in alignment with an object in the holder and, third, at least one suction nozzle of the carrier directly faces the object within the holder. Each of these features is disclosed in Figure 1 of the drawings.

The Voltmer '459 patent is directed to a literature applying machine, whereby a head 21, as discussed in column 3, lines 23-33, is comprised of three outwardly spring-biased suction cups 28 and a pair of pressure rolls 29, 29'. In Figure 1, a head 21 in its relaxed configuration, is illustrated in the two o'clock position. The carousel 133 is continuously rotating and from the eight o'clock position to the twelve o'clock position, the head 21 moves radially outward to receive a thermosensitive band 18 from a roll of bands 18. From the twelve o'clock position to the two o'clock position the head 21 is fully extended and

receives literature 19 from a literature supply hopper 32. The suction cups 28 are fully engaged by the band 18 and do not engage the literature 28. The Applicant's invention, on the other hand, is directed to a carrier whereby during standstill in a position aligned with an object in the holder, the carrier is movable in a radial direction for removing the object in the holder. It is the movement in the radial direction of the carrier during standstill that permits efficient removal of objects from a holder regardless of the thickness of the objects.

The Keeler patent, on the other hand, is directed to an apparatus for continuous feeding and synchronized application of fitments to carton blanks, whereby a rotating drum 56 has multiple transfer stations 60 and wherein each station 60 has an air pervious lodgment surface 62, which transfers fitments 20 from a die-cut web 22 to carton blanks B on a continuous motion conveyor line 24. The drum 56 disclosed in the Keeler patent has a fixed diameter and, as a result, is incapable of movement in a radial direction for retrieving objects from a holder, whether or not the objects have different thicknesses. Although the Keeler patent may teach an apparatus which is driven intermittently between rotation and standstill, there is neither a teaching nor suggestion to apply this feature to the device disclosed in the Voltmer '459 patent and, even if it were applied, the resulting device would still be different than that claimed by the Applicant.

For these reasons, the Applicant does not believe that claim 19 as amended is made obvious by the teaching of the Voltmer '459 patent in view of the teaching of the Keeler patent. Therefore, claim 19 is believed to be patentably distinct over the teaching of these references. Furthermore, claims 20, 21, 23, 25, 26, 28, 29 and 31-33, by way of their dependence upon what is believed to be patentably distinct independent claim 19, are themselves believed to be patentably distinct over the teaching of these references.

In Section No. 6 of the Office Action, the Examiner rejects claims 24 and 37 under 35 U.S.C. §103(a) as being obvious from the teaching of the Voltmer '459 patent and

the Keeler patent and, further, in view of European Patent Application Publication No. EP 035645 to Utsumi (the Utsumi patent application). By way of the dependence upon what is believed to be patentably distinct independent claim 19, claims 24 and 37 are themselves believed to be patentably distinct over the teaching of these references.

In Section No. 7 of the Office Action, the Examiner rejects claim 27 under 35 U.S.C. §103(a) as being obvious from the teaching of the Voltmer '459 patent in view of the Keeler patent and, further, in view of the teaching of U.K. Patent Application GB 2,188,608 to Voltmer (the Voltmer '608 patent). By way of its dependence upon what is believed to be patentably distinct independent claim 19, claim 27 is itself believed to be patentably distinct over the teaching of these references.

In Section No. 8 of the Office Action, the Examiner rejects claims 19-21, 23, 25-26 and 28-29 under 35 U.S.C. §103(a) as being obvious from the teaching of United States Patent No. 4,767,487 to Tomsovic, in view of the teaching of the Keeler patent. As previously mentioned, claim 19 has been amended to specify that the holder is stationary, the carrier at standstill is positioned in alignment with an object in the holder and at least one suction nozzle of the carrier directly faces the object within the holder.

The Tomsovic patent is directed to a method for repositioning discrete articles 12 from the first spacer means 20 to a second spacer means 30 and then to a discharge drum 40, as indicated in Figure 1 of the Tomsovic patent. The holder for a stock of objects is not stationary and the carrier is not radially movable in this standstill position to retrieve objects from the holder. To the contrary, the Tomsovic patent discloses a device which, through rotary motion, transfers the discrete articles 12 past a series of rollers. Additionally, the Keeler patent, as previously mentioned, discloses a drum 56 with a fixed diameter and, as a result, is incapable of movement in a radial direction when the drum is at standstill for retrieving objects from a holder, whether or not the objects have different thicknesses. For

these reasons, the Applicant does not believe that claim 19, in view of the teaching of the Tomsovic patent and, further, in view of the teaching of the Keeler patent, makes obvious claim 19. Therefore claim 19 is believed to be patentably distinct over the teaching of these references.

Additionally, claims 20, 21, 23, 25, 26 and 28-29, by way of their dependence upon what is believed to be patentably distinct independent claim 19, are themselves believed to be patentably distinct over the teaching of these references.

In Section No. 9 of the Office Action, the Examiner rejects claims 31-33 under 35 U.S.C. §103(a) as being obvious from the teaching of the Tomsovic patent in view of the Keeler patent and, further, in view of the teaching of the Voltmer '459 patent. By way of their dependence upon what is believed to be patentably distinct independent claim 19, dependent claims 31-33 are of themselves believed to be patentably distinct over the teaching of these references.

In Section No. 10 of the Office Action, the Examiner rejects claims 24 and 37 under 35 U.S.C. §103(a) as being obvious from the teaching of the Tomsovic patent in view of the teaching of the Keeler patent and, further, in view of the teaching of the Utsumi patent application. Once again, by their dependence upon what is believed to be patentably distinct independent claim 19, claims 24 and 37 are themselves believed to be patentably distinct over the teaching of these references.

In Section No. 11 of the Office Action, the Examiner rejects claim 27 under 35 U.S.C. §103(a) as being obvious from the teaching of the Tomsovic patent, in view of the teaching of the Keeler patent and, further, in view of the Voltmer '608 patent. Once again, by way of its dependence upon what is believed to be patentably distinct independent claim 19, claim 27 is itself believed to be patentably distinct over the teaching of these references.

In Section No. 12 of the Office Action, the Examiner rejects claims 19-21, 23, 25, 26, 28 and 29 under 35 U.S.C. §103(a) as being obvious from the teaching of United States Patent No. 4,238,267 to Konstantin, in view of the teaching of the Keeler patent. The Konstantin patent is directed to an apparatus for producing shrinkable plastic caps, whereby each of a plurality of mandrels 8 is encased by a band 26 and subjected to heat in tunnel 31. Unlike amended claim 19, this arrangement neither teaches nor suggests a device for affixing objects from a stationary holder to products moving in a row, wherein each object may have a different thickness and, wherein affixing means has at least one suction nozzle which, in a standstill mode, removes the objects from the holder. To the contrary, the Konstantin patent utilizes a plurality of identically shaped mandrels to form bands 26 into a plurality of identically shaped conical caps 33a for positioning over a plurality of identically shaped bottles 37. Furthermore, as previously discussed, the Keeler patent discloses a drum 56 with a fixed diameter and, as a result, is incapable of movement in a radial direction when the drum is at standstill for retrieving objects from a holder, whether or not the objects have different thicknesses. Additionally, the device in the Konstantin patent fails to disclose a stationary holder and a carrier positioned and aligned with an object in the holder and movable in a radial direction for attaching at least one suction nozzle to the object, wherein the at least one suction nozzle of the carrier directly faces the object within the holder. Such features are neither disclosed nor suggested in the Keeler patent. These features permit, among other things, quick and efficient removal of an object from a stationary holder. For these reasons, the Applicant believes that claim 19, as amended, is patentably distinct over the teaching of the Konstantin patent, in view of the teaching of the Keeler patent.

In Section No. 13, the Examiner rejects claims 31-33 under 35 U.S.C. §103(a) as being obvious from the teaching of the Konstantin patent, in view of the Keeler patent and, further, in view of the teaching of the Voltmer '459 patent. By way of their dependence upon

what is believed to be patentably distinct independent claim 19, claims 31-33, are themselves believed to be patentably distinct over the teaching of these references.

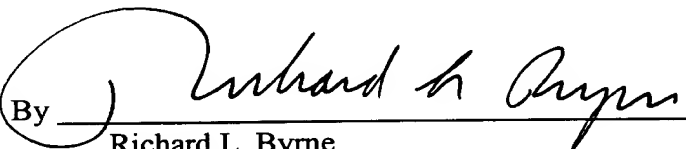
In Section No. 14 of the Office Action, the Examiner rejects claims 24 and 37 under 35 U.S.C. §103(a) as being obvious from the teaching of the Konstantin patent, in view of the teaching of the Keeler and, further, in view of the teaching of the Utsumi patent application. By way of their dependence upon what is believed to be patentably distinct independent claim 19, claims 24 and 37 are themselves believed to be patentably distinct over the teaching of these references.

In Section No. 15 of the Office Action, the Examiner rejects claim 27 under 35 U.S.C. §103(a) as being obvious from the teaching of the Konstantin patent, in view of the teaching of the Keeler patent and, further, in view of the teaching of the Voltmer '608 patent. By way of its dependence upon what is believed to be patentably distinct independent claim 19, claim 27 is itself believed to be patentably distinct over the teaching of these references.

Reconsideration of the rejections and objections and allowance of pending claims 19-21, 23-29, 31-33 and 37 are respectfully requested.

Respectfully submitted,

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MARKED-UP VERSION OF CLAIM 19

19. (Four Times ~~Three~~ Amended) A device for affixing objects to products moving in a row, the device comprising a stationary holder for a stock of the objects, wherein each object may have a different thickness, and affixing means comprising at least one suction nozzle on a carrier for removing one of the objects from the holder and moving the object, wherein the affixing means is capable of rotary movement about an axis of rotation and affixing the object to a moving product during the rotary movement of the affixing means, wherein the affixing means is further capable of being driven intermittently between rotation and standstill, ~~and~~ wherein during standstill of the affixing means the carrier is positioned in alignment with an object in the holder ~~can remove the object from the holder and~~ ~~wherein the carrier is~~ movable in a radial direction with respect to the axis of rotation for attaching the at least one suction nozzle to the object and for removing an the object from the holder at standstill, and wherein the at least one suction nozzle of the carrier directly faces the object within the holder.